



## Community Development Department

### HISTORIC PRESERVATION COMMISSION MEETING AGENDA June 17, 2020

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Tom Baker Meeting Room

3:30 p.m.

City-County Office Building

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#### SPECIAL NOTICE ON PUBLIC ACCESS

Watch live meeting coverage on Government Access Channels 2 & 602HD, listen to Radio Access 102.5 FM Radio, or stream FreeTV.org and RadioAccess.org. Agenda items can be found at [www.bismarcknd.gov/agendacenter](http://www.bismarcknd.gov/agendacenter).

Due to ongoing public health concerns related to COVID-19, the City of Bismarck is encouraging citizens to provide their comments via email to [whutchings@bismarcknd.gov](mailto:whutchings@bismarcknd.gov). The comments will be sent to the Historic Preservation Commission prior to the meeting and included in the minutes of the meeting. To ensure your comments are received and distributed prior to the meeting, please submit them by 12 noon on the day of the meeting and reference the agenda item your comment addresses.

If you would like to appear via video or audio link for the public input / comment section of the agenda, please provide your e-mail address and contact information to [whutchings@bismarcknd.gov](mailto:whutchings@bismarcknd.gov) at least one business day before the meeting.

The physical meeting room will be open to the public, but we certainly understand the public

wishing to limit their exposure at this time, while still participating in government. Before entering the City-County Office Building, all individuals will be screened for COVID-19 symptoms or potential exposure. If unable to pass the screening protocol, they will be requested to participate in the meeting remotely, for the public's safety.

The number of participants attending in person, including the Historic Preservation Commission, will be physically limited in the Tom Baker Meeting Room to maintain social distancing by way of the following:

- Live simulcasting (video + audio) of the meeting on televisions in other parts of the City-County Office building.
- Admitting those making presentations to the Historic Preservation Commission into the Tom Baker Meeting Room when they are asked to present or offer public input and, when that agenda item is complete, inviting them to return to the hallway or other room to watch the remainder of the meeting while maintaining social distancing.



## **MINUTES**

1. Consider approval of the minutes of the May 20, 2020 regular meeting of the Historic Preservation Commission.

## **PUBLIC COMMENT**

2. Public Comment (The public comment period is available for residents and other interested parties to address items on the agenda or any general public input for consideration by the Historic Preservation Commission).

## **AGENDA**

3. **Section 106 Review Participation**
  - a. Hay Creek Substation (to be known as Lot 1, Block 1, Hay Creek Substation)...1
4. **Selection of Highland Acres Survey Project Consultant.....14**
5. **Overview of Current Projects of Historic Significance ..... 15**

## **OTHER BUSINESS**

6. Other Business

## **ADJOURNMENT**

7. **Adjourn.** The next regular meeting date is scheduled for **July 15, 2020.**

Enclosures: Meeting Minutes of May 20, 2020



## *Community Development Department*

### **MEMORANDUM**

#### **Section 106 Review Participation | Hay Creek Substation**

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, Planner

DATE: June 12, 2020

The Historic Preservation Commission has elected to participate in Section 106 Reviews. The Historic Preservation Commission's role is to review the proposed project and the opinion provided by the cultural resource firm and provide a recommendation to the State Historic Preservation Office. Participation can also involve providing comments on the identification of historic properties, effects to historic properties, and ways to mitigate or avoid adverse effects to historic properties and districts.

The City of Bismarck has been notified by the State Historic Preservation Office and Metcalf Archeology of a proposed electric substation to be located in east Bismarck on what will be known as Lot 1, Block 1, Hay Creek Substation. The USDA Rural Development's Rural Utilities Service is the lead federal agency for this undertaking and a Class III cultural resource inventory was conducted for the irregular shaped tract encompassing approximately 11 acres.

#### **Results and Proposed Finding:**

Metcalf Archeology found no cultural resources during the inventory and recommends a finding of No Historic Properties Affected.

#### **Staff Recommended Action:**

Review the submitted documentation for Section 106 review of the proposed the Hay Creek Substation to be located as what will be known as Lot 1, Block 1 Hay Creek Substation in east Bismarck and complete the attached declaration of your findings for the State Historic Preservation Office.

#### Attachments:

- Metcalf Archeology – Manuscript Data Record Form (Note: Contains Sensitive Information - Provided Electronically)
- Declaration



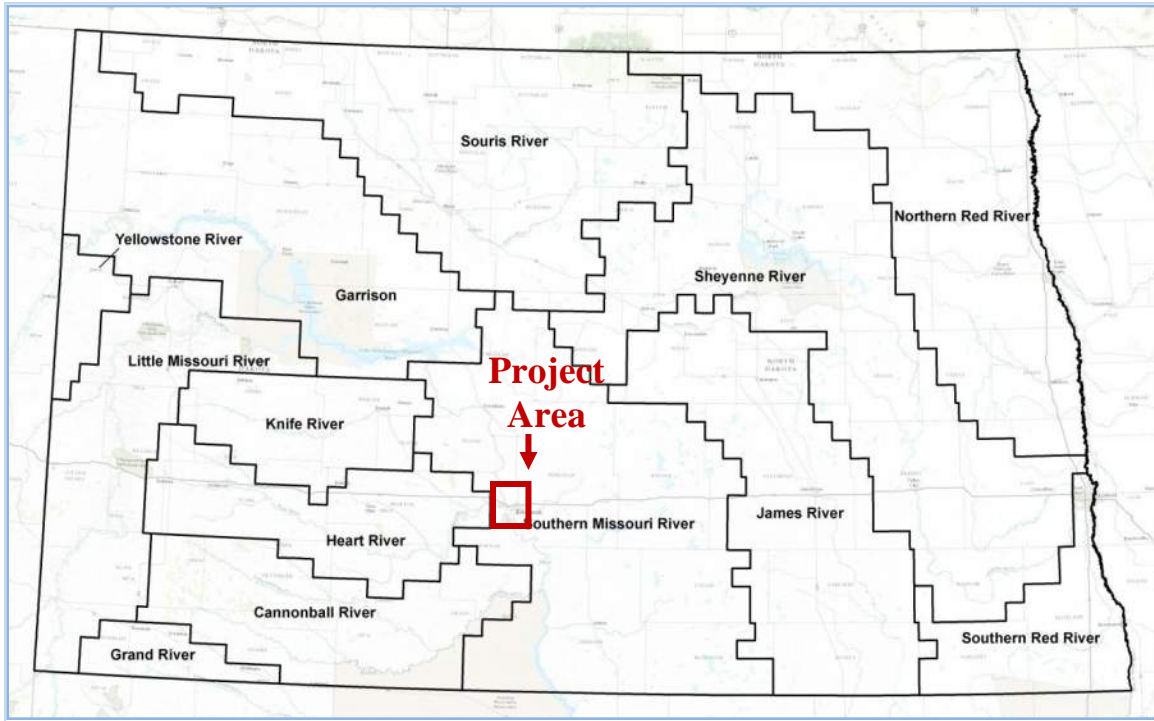
## MANUSCRIPT DATA RECORD FORM

1. Manuscript Number:
2. SHPO Reference #:
3. Author(s): Daan Meens
4. Title: Keitu Engineers and Consultants, Inc. - Bismarck Hay Creek Substation:  
Addendum to a Class III Cultural Resource Inventory in Burleigh County, North Dakota
5. Report Date: May 2020
6. Number of Pages: 10
7. Type: I
8. List formally tested or excavated sites (not probes): N/A
9. Acres: 11
10. Legal Location(s):

County	TWP	R	SEC	SU
Burleigh	139N	80W	36	SM

1. **Report Title:** Keitu Engineers and Consultants, Inc. - Bismarck Hay Creek Substation: Addendum to a Class III Cultural Resource Inventory in Burleigh County, North Dakota
2. **Cultural Resource Permit Number/ NDSHPO Project #:**
3. **Author:** Daan Meens
4. **Report Date:** May 2020
5. **Description of Undertaking:** Central Power Electric Cooperative, Inc. (CPEC) proposes to construct a substation just outside of Bismarck in Burleigh County, North Dakota. Keitu Engineers and Consultants, Inc., on behalf of CPEC, contacted Metcalf Archaeological Consultants, Inc. (Metcalf) to conduct a Class III cultural resource inventory of the project's irregularly shaped block. The USDA Rural Development's Rural Utilities Service (RUS) is the lead federal agency for this undertaking and, as such, is responsible for complying with the National Historic Preservation Act (NHPA), Public Law 89-665, as amended, and its implementing regulations, 36CFR Part 800. The objective of the inventory was to identify any historic properties within the undertaking's area of potential effects (APE), and assess the effect that the undertaking may have on those cultural resources that qualify for inclusion in the National Register of Historic Places (NRHP). Metcalf archaeologists inventoried an irregularly shaped block encompassing approximately 11 acres. This report is an addendum to a Class III inventory from 2017, just east of the current APE (Meens and Snortland-Banks 2018).
6. **Legal Location of Undertaking Area of Potential Effects (APE):** The project APE is located just east of Bismarck, North Dakota (Figure 1). The legal description of the Class III pedestrian inventory is located in Section 36, T. 139N, R. 80W. The APE, cultural resources, and previous surveys are depicted on the relevant portions of the USGS 7.5' Menoken SW (1962, photorevised 1976) quadrangle map (Map 1).





**Figure 1:** The general location of the project area on a map of North Dakota

7. **Acreage:** 11
8. **Project Sponsor:** Keitu Engineers and Consultants, Inc., Mandan, North Dakota.
9. **Records Search Results:** On January 7, 2020, prior to the Class III inventory, Metcalf staff Dierdre Bostyan searched the site and manuscript files at the State Historical Society of North Dakota to determine whether any cultural resources have been recorded and whether any cultural resource inventories have been conducted within the APE and the surrounding mile (Tables 1-2).

The site files search revealed that 14 cultural resources have been recorded in the search area (Table 1). These resources consist of 13 architectural sites and one postcontact (historic) site. No sites are located within or directly adjacent to the APE.

The manuscript files search revealed that 30 cultural resource inventories have been conducted in the search area (Table 2). These projects consist of ten transportation related projects, seven for utilities development, five for borrow and gravel exploration, three associated with development in Bismarck, three surveys for cell tower development, and two surveys of historic sites along water sources. One survey partially overlaps the APE: MS#16627 is the 2015 investigation for part of this project.



**Table 1: Site Files Search Results – Keitu – Hay Creek Substation Addendum**

T/R-Sec	SITS #	Site Type-Description	Recorder, Date	Eligibility	MS #
138/079-06	No Sites				010884, 015933
138/080-01	32BL00015	Architectural-James W. Foley House/Elan Art Gallery (moved to Buckstop Junction-1992)	Meidinger, 2008	Not Eligible	007646, 011461, 012363
	32BL00021	Architectural-Yegen House/Pioneer Grocery (moved to Buckstop Junction-1993)	Meidinger, 2008	Not Eligible	
	32BL00349	Architectural-Bethel Lutheran Church	Mertz, 2002	Unevaluated	
	32BL00717	Architectural-bridge	Banks, 2011	Not Eligible	
	32BL00775	Architectural-Lein School #2 (moved to Buckstop Junction in Bismarck-1993)	Wilner, 2015	Not Eligible	
138/080-02	32BL00295	Historical-Burlington Northern Santa Fe Railroad, earthworks, trail, metal, wood	Sondeland, 2005; Hogreffe, 2016	Eligible as a whole, non-contributing element	000108, 008768, 009121
	32BL00679	Architectural-State Penitentiary	Meidinger, 2010; Meidinger, 2012	Eligible	
139/079-30	No Sites				006860, 011170, 013061
139/079-31	No Sites				010884, 011170, 015933
139/080-25	No Sites				008814, 010711, 012416, 015039, 016299, 017179
139/080-26	32BL00539	Architectural-residence (moved to site post 1954)	Hafermehl, 2004	Not Eligible	000109, 005506, 007438, 007685, 008164, 008720, 008814, 009715, 010711, 012416, 013582, 014758, 015848, 016299
	32BL00540	Architectural-Fairview Cemetery	Hafermehl, 2004	Not Eligible	
	32BL00798	Architectural-transmission line, part of a WAPA line	Sexton, 2015; van Wandelen, 2019	Not Eligible	
	32MO01552	Architectural-4631 Memorial Highway, Colonial Motel and RV Park	Garnett, 2019	Not Eligible	
139/080-35	32BL00301	Architectural-Calvary United Methodist Church	Ford-Dunker, 1999	Unevaluated	007438, 009715, 012416
	32BL00335	Architectural-Seventh Day Adventist Church	Ford-Dunker 1999	Unevaluated	
	32BL00336	Architectural-Lord of Life Lutheran Church	Ford-Dunker, 1999	Unevaluated	
	32BL00798	Architectural-transmission line, part of a WAPA line	Sexton, 2015; van Wandelen, 2019	Not Eligible	
139/080-36	32BL00798	Architectural-transmission line, part of a WAPA line	Sexton, 2015; van Wandelen, 2019	Not Eligible	008371, 009715, 012416, 016627, 017356



**Table 2: Manuscript Files Search Results – Keitu – Hay Creek Substation Addendum**

MS #	Reference
000108	Mattison, R. 1953 Report on Historic Sites of the Oahe Reservoir Area, Missouri River
000109	Mattison, R. 1951 Report on Historical Aspects of the Garrison Reservoir Area, Missouri River
005506	Good, K. 1991 Grant Marsh Bridge to East Interchange Project, Burleigh County, (Divide Avenue to Pinto Place and Hay Creek Surveys
006860	Kordecki, C. and J. Bales 1997 Radio Tower Locations in a Multi-County Area of Central and Southeastern North Dakota: 1995 and 1996 Cultural Resources Inventory
007438	Borchert, J. 1999 Hay Creek Bike Path Class III Cultural Resource Inventory, Burleigh County, North Dakota
007646	Wermers, G. 2000 Thirteen NDDOT Living Snow Fence Planting Areas in Adams, Oliver, Burleigh, Barnes, and Cass Counties, North Dakota
007685	Bluemle, W. 2000 Hay Creek Bike Path: A Class III Cultural Resource Inventory, Burleigh County, North Dakota
008164	Borchert, J. 2002 Addendum to Hay Creek Bike Path Class III Cultural Resource Inventory, Burleigh County, North Dakota (MS 7438)
008371	Hall, D. and S. Knudsen 2002 Cultural Resource Investigations Fiber Optic Cable Installation Along Four Segments of Transmission Line: Glenham-Bismarck, New Underwood, Yankton-Gavins Point Burleigh, Emmons Counties, North Dakota. Campbell , Walworth, Yankton, Hakkon, Jackson and Pennington Counties, South Dakota
008720	Stine, E. 2003 Northern Improvement's McCormick Borrow: A Class III Cultural Resource Inventory in Burleigh County, North Dakota
008768	Christensen, B. 2004 Apple Creek Road Improvement. Class III Inventory Report
008814	Stine, E. and N. Hafermehl 2004 Century Avenue: An Intensive Cultural Resource Inventory in Bismarck, Burleigh County, North Dakota
009121	Morrison, J. and D. Klinner 2005 Northern Plains Commerce Centre: A Class III Cultural Resource Inventory in Burleigh County, North Dakota and Addendum
009715	Stine, E. 2006 Capital Electric Cooperative's Four Year Construction Plan: A Class II and Class III Cultural Resources Inventory in Burleigh and Sheridan Counties, North Dakota Addendum A
010711	Nodland, B. 2008 East Century Avenue and Centennial Road Reconstruction: A Class III Cultural Resource Inventory, Burleigh County, North Dakota
010884	Hiemstra, D. and A. Barth 2009 Capital Electric Cooperative RUS#812 Survey: A Class III Cultural Resource Inventory for a Proposed Transmission Line in Burleigh County, North Dakota
011170	Carpenter, M. 2009 Cultural Resources Inventory of the BEK Communications Cooperative Rural Burleigh County T3.0 BER Exchange Buried Cables Project T137N-T142, R78W-R81W, Burleigh County, North Dakota





**Table 2: Manuscript Files Search Results – Keitu – Hay Creek Substation Addendum**

MS #	Reference
011461	Payette, J. and A. Gillingham 2010 Phase I Cultural Resource Investigation of Proposed ND-01-Bismarck-Industrial-Div (46705) Telecommunications Tower Project Area Bismarck, Burleigh County, North Dakota
012363	Banks, K. 2011 Missouri Valley Motor Speedway Park: A Class III Cultural Resource Inventory in Burleigh County, North Dakota
012416	Morgan, K. 2011 East Divide Avenue Expansion SU-1-981(094)104; PCN 19244: A Class III Cultural Resource Inventory in Burleigh County, North Dakota
013061	Robbins, J., I Crosser, and R. Larmore 2012 Cultural Resources Survey Report Interstate 94: East Bismarck Interchange East to Sterling Burleigh County, North Dakota
013582	Christensen, R. 2012 Fairview Cemetery Association: A Class III Cultural Resource Inventory in Bismarck, Burleigh County, North Dakota
014758	McCann, E. 2013 Bismarck Material Source Area: A Class III Cultural Resource Inventory in Burleigh County, North Dakota
015039	Brooks, B. 2014 Bismarck Material Source Area: A Class III Intensive Cultural Resource Inventory in Burleigh County, North Dakota
015848	Behan, A. and M. Leonard 2015 Historic Properties Inventory and Documentation for the Telecommunications Tower BIS Sleepy Hollow, Burleigh County, North Dakota
015933	Barg, D. 2015 Bartlett and West, Inc.'s County Highway 10 and 66 <sup>th</sup> Street Intersection Project: A Class III Cultural Resource Inventory in Burleigh County, North Dakota
016299	Brooks, B. 2015 Interstate 94 Right-of-Way Survey: A Class III Intensive Cultural Resource Inventory in Burleigh County, North Dakota
016627	Snortland-Banks, D. 2015 Central Power Electric Cooperative, Inc.'s Bismarck Hay Creek Substation A Class III Cultural Resource Inventory in Burleigh County, North Dakota
017179	Friend, T. 2015 McCormick Material Source Area: A Class III Intensive Cultural Resource Inventory in Burleigh County, North Dakota
017356	Meens, D. and D. Snortland-Banks 2017 Keitu Engineers and Consultants, Inc. – Bismarck Hay Creek Substation: A Class III Cultural Resource Inventory in Burleigh County, North Dakota

**10. Historic Context (Study Unit):** The APE/inventory area is located in the Southern Missouri River Study Unit (Unit #5) as defined in *The North Dakota State Plan for Historic Preservation: Archeological Component* (SHSND 2016). Overviews of the area's physiographic and archaeological attributes are discussed in this volume.

**11. Fieldwork Date(s):** April 20, 2020

**12. Field Personnel:** Metcalf Project Director Daan Meens



- 13. Field Methods and Conditions:** The inventory conformed to *North Dakota SHPO Guidelines Manual for Cultural Resource Inventory Projects* (SHSND 2012). The inventory was accomplished using pedestrian transects spaced at 15 meter intervals. Metcalf used a handheld GPS unit uploaded with the mapped APE. Field conditions were documented with digital photographs (Figures 2-4) and detailed in field notes. All electronic and paper records are on file at the Metcalf Bismarck office.

The APE is located east of Bismarck, North Dakota, on the east side of an existing CPEC property. The APE is in the flood plain of an unnamed ephemeral creek drainage; the ephemeral creek runs northwest-southeast just north of the block. This drainage is shared with Hay Creek, which is located approximately one half mile to the west. Overall, the flood plain is low and flat and vegetated with a hummocky mixture of wetlands and mixed-prairie grasses and limited forbs, including a few low bushes. The area is almost completely disturbed, likely by construction activities for the existing facilities. Rodent backdirt piles show heavy gravels. The central portion of the APE is currently in use as a laydown yard for large electrical masts and heavy equipment. Vegetation here is seeded grass, mowed very short. The southern third of the APE is covered in standing water. This area is a wetland and vegetation consists of cattails and similar plants. Only the far eastern portion of the APE is in an undisturbed context. This portion is in rolling prairie, with native grasses, forbs, and buckbrush as the vegetation. Soils consist of a very dark brown sandy loam. Weather at the time of survey was sunny, with strong winds.

- 14. Results and Recommendations:** No cultural resources were encountered during the inventory. Metcalf recommends a finding of *No Historic Properties Affected* (36CFR800.4[d][1]) for the proposed undertaking as surveyed, mapped, and documented herein.



15. **Certification:** I certify the information provided in this report is correct, accurate and meets all applicable agency standards.

Responsible Cultural Resource Use Permittee:



Signature

5/4/2020

Date

16. **References Cited:**

Meens, Daan, and Dierdre Snortland-Banks

2018 *Keitu Engineers and Consultants, Inc. - Bismarck Hay Creek Substation: A Class III Cultural Resource Inventory in Burleigh County, North Dakota.* Metcalf Archaeological Consultants, Inc. Bismarck, North Dakota.

State Historical Society of North Dakota (SHSND)

2016 *The North Dakota Comprehensive Plan for Historic Preservation: Archaeological Component.* [http://history.nd.gov/hp/stateplan\\_arch.html](http://history.nd.gov/hp/stateplan_arch.html).

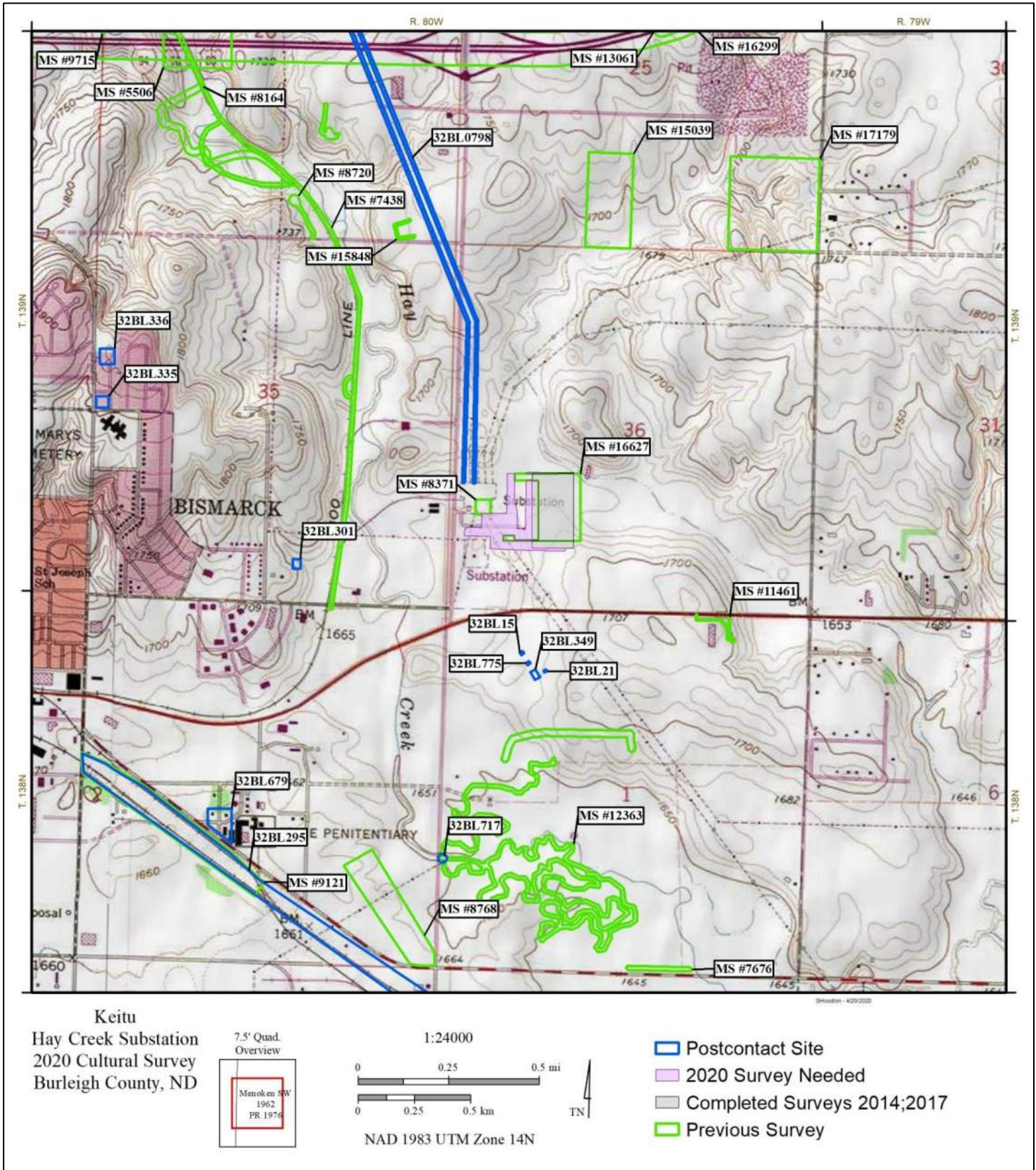
2017 *North Dakota SHPO Guidelines Manual for Cultural Resource Inventory Projects.* <http://history.nd.gov/hp/PDFinfo/ND%20SHPO%20Guidelines%20Manual.pdf>.





# Small Survey Report

## Map and Photo Section



**Map 1:** The location of the project area, cultural resources, and surveys depicted on the USGS 7.5' Bismarck (1962, photorevised 1976) and Menoken SW (1962, photorevised 1976) quadrangle maps.



## Small Survey Report

### Map and Photo Section



**Figure 2:** Overview of APE, view north (Image 2053).



**Figure 3:** Overview of APE, view east (Image 2054).





## Small Survey Report

### Map and Photo Section



**Figure 4:** Overview of APE from southeast corner, view west (Image 2057).





## Community Development Department

### DECLARATION

The City of Bismarck - Historic Preservation Commission has been advised of the proposed Hay Creek Substation to be located at Lot 1, Block 1, Hay Creek Substation in Section 36 in east Bismarck and hereby (AGREE) (DISAGREE) with Metcalf Archeology's determination of No Historic Properties Affected.

*If the Bismarck Historic Preservation Commission did not agree, please see the following listed reasons:*

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Amy Sakariassen, Chair  
Bismarck Historic Preservation Commission

Dated: \_\_\_\_\_





## *Community Development Department*

### **MEMORANDUM**

#### **Selection of Highland Acres Survey Project Consultant**

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, Planner

DATE: June 12, 2020

Requests for Proposals for the Historic Architectural Survey of Highland Acres will be received by Friday, June 12, 2020 at 3:00 PM. A cut-down (if necessary) and ranking of all submitted proposals is scheduled to occur on Tuesday, June 16, 2020 by staff in coordination with the ND State Historic Preservation Office. The results and submitted proposals will be provided to the Historic Preservation Commission for approval prior to your June 17, 2020 meeting. Upon selection of a consultant, staff will work with the selected consultant on a contract that is tentatively scheduled to be awarded by the Bismarck City Commission on July 14, 2020.

#### **Staff Recommended Action:**

Review submitted proposals, staff ranking and select a consultant(s) to conduct the historic architectural survey of Highland Acres.







## *Community Development Department*

### **MEMORANDUM**

#### **Overview of Current Projects of Historic Significance**

TO: Chair Sakariassen and Historic Preservation Commission

FROM: Will Hutchings, Planner

DATE: June 12, 2020

There are several projects occurring within the City of Bismarck or nearby that may be of interest to the Historic Preservation Commission. This memorandum highlights each project and provides additional historic information.

#### **Patterson Place – 420 East Main Avenue**

Year Built: 1910

Downtown Bismarck Historic District

Individually Listed / Contributing

SITS#: 32BL20

Originally named the McKenzie Hotel, The Patterson Place is a Chicago School traditional style building built with a frame of steel-reinforced concrete. Original portions of the building were designed by St. Paul Architect Herman Krentz. Additional floors were added during several expansions. It was developed by Alexander McKenzie, a prominent local businessman, and Edward Patterson, a politician. The building underwent major rehabilitation in the 1980s when it was converted for HUD Section 8 Housing.

Work has begun to renovate both the interior and exterior of the building. The renovation consists of updating individual units, renovating storefronts, renovation and basement expansion of Peacock Alley, new historically appropriate windows, a rooftop sign and uncovering brick on portions of the upper floors.



*A crane lifts scaffolding in place around the base of Patterson Place. Staff Photo - June 9, 2020*



### **Juniper Workantile – 124 North 4<sup>th</sup> Street**

Year Built: 1907

Multiple NHRPs Listings

Downtown Bismarck Historic District

Juniper Workantile occupies the building in the southwest corner of North 4<sup>th</sup> Street and East Broadway Avenue. Previously this building was the location of the Buttrey's Department store and the A. W. Lucas store. Both companies made substantial changes including removing portions of the original parapet and covering up or changing original windows. Various façade elements were added over the years including metal screens, ceramic tile sign and large commercial signage.



*Original brick and ornate brick details uncovered after paint was removed. Juniper Workantile Photo - 2020*

When the metal screen was removed, the original 1907 Hebron brickwork was in good shape, but had been painted, and transom windows had been covered with plywood. Recently the exposed brick portion on the front of the building was sandblasted and is in excellent shape. Sandblasting also exposed the decorative corbels above the windows and revealed the dark pink sandstone under the windowsills. The owner is now working with a contractor to remove the plywood that covers transoms while also working with an architect for the design of the storefront. The goal is to renovate the southern half of the building façade back to its historic look, while not leaving it looking like half a building. Additional restoration will include restoring the second story windows, removing the awning, tuck-pointing the brick, rebalancing the parapet, and replacing the entry and storefront to more closely resemble its historical appearance.

This building is listed on the National Register of Historic Places; however, it was submitted as two separate buildings each with their own status. The listing for the north portion is listed as contributing and the southern portion listed as non-contributing. Upon completion of renovation work, the owner intends to re-nominate the entire building.

### **F.W. Woolworth Store – 402 East Main Avenue**

Year Built: 1913

Downtown Bismarck Historic District

Not Eligible

SITS#: 32BL166

The building in the northeast corner of the intersection of North 4<sup>th</sup> Street and East Main Avenue was originally constructed as F.W. Woolworth store. The building's architectural style is typical of Woolworth buildings constructed by the company in the area during the early 20<sup>th</sup> century.



*Original brick and ornate brick details uncovered during stucco removal. Staff Photo - June 9, 2020*

The building was covered in stucco in the 1980s after the closure of Woolworths, which impaired the historical integrity of the building and covered most of the extruded brick and building features. For these reasons the building was not believed to be eligible for nomination the National Register of Historic Places.

The current building owner is in the process of removing all stucco from the face of the building and cleaning and repairing the underlying brick. Additional improvements include the replacement of the storefront glazing system along East Main Avenue. The configuration of doors and windows would remain the same, including with doorway recesses and bulkheads at the base. The new frames would be anodized bronze and the glass would remain transparent.

### **Demolition**

#### **Robert Orr House - 224 West Avenue A**

Year Built: 1908

Contributing

SITS#: 32BL406

Cathedral Area Historic District

This two-story colonial revival home in the Cathedral Historic District features a hipped roof with large dormers, covered porch with columns and balustrades. Over the last century, the home has been substantially altered and several additions added. The home was originally constructed for Robert Orr and later occupied by John and Mary Burke.



*Robert Orr House prior to planned demolition. Staff Photo - June 9, 2020*

Burke was a lawyer, political leader and tenth Governor of North Dakota. He served three terms as ND governor, and was then appointed by President Woodrow Wilson as Treasurer of the United States, a position he held from 1913-1921. Burke was elected to the North Dakota Supreme Court in 1924, and he held this office until his death in 1937. It was during his Supreme Court service that he and his family resided at 224 West Avenue A in Bismarck. In the 1960s, his statue was placed in Statuary Hall in the Nation's Capital, and on the grounds of the North Dakota Capitol. Later owners included the Bismarck Tribune publisher Glen Sorlie, Dr. Marlin and Penny Johnson, and PSC Commissioner Tony Clark.

The current homeowners purchased the home approximately two years ago and, during the process of conducting maintenance repairs and updates, contractors and structural engineers determined the home has severe structural problems that would require extremely extensive and costly repairs. For this reason, the homeowner and contractor have decided the only viable option is to demolish the home. The City of Bismarck has received and issued a permit for the demolition. The homeowners have indicated their desire to rebuild a new home at this location and try to match the home's original architecture and style.

### **Our Lady of the Annunciation Chapel**

Year Built: 1963

University of Mary Campus

Under Review

The National Park Service is currently reviewing a National Register of Historic Places nomination for the Our Lady of the Annunciation Chapel on the University of Mary campus south of Bismarck. The review should be completed by July 3, 2020.



*An interior view of the Our Lady of the Annunciation Chapel - University of Mary - August 2011*

The original buildings and campus for the University of Mary were designed by Marcel Breuer, a Hungarian born brutalist architect and designer who was one of the first and youngest to study at the Bauhaus (the famous modernist school in Germany). Once Breuer moved to the United States, he worked with Walter Gropius on several projects in New England. The University of Mary campus was designed and built between 1959 and 1968. Other comparable Breuer design projects include Saint Johns Abbey in central Minnesota.

Cray Kennedy, a recent graduate of the University of Mary, led the effort for the National Register of Historic Places nomination during her senior year. At this time there are no plans to nominate other Breuer-designed buildings at the University of Mary.

### **Staff Recommended Action:**

This memorandum is presented for informational purposes only. No action is needed.

**BISMARCK HISTORIC PRESERVATION COMMISSION  
MEETING MINUTES  
May 20, 2020**

The Bismarck Historic Preservation Commission met on May 20, 2020, at 3:30 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5<sup>th</sup> Street. Due to ongoing public health concerns related to COVID-19, the meeting was held via Zoom. Chair Sakariassen presided and was present in the Tom Baker Meeting Room.

Commissioners present were Walt Bailey, Steve Bakken, Blake Dinkins, Calvin Grinnell, Tory Jackson, Beth Nodland and Amy Sakariassen.

Staff members present were Kim Lee – Planning Manager, Jannelle Combs – City Attorney, Will Hutchings – Planner and Hilary Balzum – Community Development Administrative Assistant.

Others present were Alex Haecker, AWH Architects and Lorna Meidinger, State Historic Preservation Office.

**MINUTES**

Chair Sakariassen called for consideration of the minutes of the February 19th meeting of the Historic Preservation Commission.

**MOTION:** A motion was made by Commissioner Bakken to approve the minutes of the February 19th meeting of the Historic Preservation Commission, as presented. The motion was seconded by Commissioner Nodland and with Commissioners Bailey, Bakken, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

**SECTION 106 REVIEW PARTICIPATION**

**A. PATTERSON PLACE (420 EAST MAIN AVENUE)**

Mr. Hutchings said Patterson Place Limited Partnership and Schuett Companies, Inc. are proposing renovations to Patterson Place, located at 420 East Main Avenue, and are seeking Federal Historic Tax Credits, thereby requiring Section 106 Review. He added that this project has been reviewed by the Renaissance Zone Authority and was designated a Renaissance Zone Project by the Bismarck City Commission. Mr. Hutchings stated the Renaissance Zone Authority, acting as the Downtown Design Review Committee, also reviewed an initial design on November 14, 2019 and reviewed the amended design on May 14, 2020 for conformance with the zoning ordinance provisions of the DC – Downtown Core and the Downtown Design Review Guidelines. He then said amendments to the proposed design have been made in response to feedback received from the National Park Service. He added that the Renaissance Zone Authority, at their May 14, 2020 meeting, reviewed and approved the proposed amended design.

Mr. Hutchings gave a history overview of the property and said in January 2019, prior to the formation of the Bismarck Historic Preservation Commission, this project did undergo a Section 106 review for the proposed use of CDBG funding. Since then, the proposed project scope has changed and the applicant is now proposing to use Federal Historic Tax credits, prompting a new Section 106, State Historic Preservation Office (SHPO) and National Park Service review. He said the SHPO's original review noted concurrence with the determination of No Adverse Effect and is now being reevaluated to coincide with the new project scope. Mr. Hutchings explained that a cultural resource firm has not submitted a determination, but it is anticipated that since this renovation is more historically appropriate than the submitted design from the first Section 106 review, there will be a determination of No Adverse Effect.

Mr. Hutchings said this rehabilitation project was intended to be reviewed at the March 18, 2020 meeting of the Historic Preservation Commission, but the applicant withdrew the original request and that meeting was cancelled. He said review is for the amended design and all items detailed in the previous memorandum should be disregarded.

Mr. Hutchings then gave an overview of the proposed restoration including restoration to the façade, windows, storefront, terrace and rooftop signs.

Mr. Hutchings said staff recommends reviewing the submitted documentation for Section 106 review of the proposed rehabilitation project of the Patterson Place located at 420 East Main Avenue and complete the attached declaration of findings for the State Historic Preservation Office.

Chair Sakariassen said there was an original concern over the wording regarding the first-floor windows on the south and east sides, but she now understands it is intended to actually be the west and north sides.

Alex Haecker, AWH Architects, said they have no plans of replacing the stained glass on those other sides at all.

Commissioner Nodland said in January 2019 there was a Section 106 review and asked what the recommendation was at that time.

Mr. Hutchings said SHPO previously indicated a recommendation of No Adverse Effect. He said the scope has changed drastically since that time and the State is conducting a new review of the amended design. He added it the applicant's goal is to start this construction as soon as possible.

Commissioner Dinkins said the exterior notes indicate metal panels instead of stucco and asked why that changed.

Mr. Hutchings said the original plan was for the top three floors to have those panels, but the National Park Service recommended to not pursue that concept.



Mr. Haecker said portions will remain stucco.

Chair Sakariassen said the National Park Service saw the metal material as not being the best recommendation for this climate.

Commissioner Nodland said she does not see any information in the meeting packet regarding the windows or any previous recommendations.

Mr. Hutchings said the State has indicated they would be issuing a determination of no adverse effect for this review.

Commissioner Bailey said the Patterson Place will benefit greatly from this project. He said the part that bothers him is of the restaurant in the Patterson and the disruptions that will come with it. He asked if the Historic Preservation Commission should find out what the net impact on the eligibility might be.

Mr. Hutchings said there are proposed modifications to the interior and the architect can likely give an outline and its appropriateness.

Mr. Haecker said there were plans for the reactivation of the exterior stairwell and expanding the restaurant into the lower level, but those plans have been scaled back slightly. He said the plan is to restore some of the fabric in the dining area and to clean the existing tile as well as a private dining area and bar. He said the upper level would be a finish re-do as well as removing the ceiling fabric and restoring plaster as needed. He added that the tile floor will be repaired, and the wood will be restored as well.

Commissioner Bailey said the owner had indicated in a recent news story that the restaurant size would double and asked if SHPO knows that and if they have an opinion on it.

Lorna Meidinger, SHPO, said nothing has been presented to them as of yet and added that the proposal they have to review is for the Historic Preservation Tax Credit.

Commissioner Bailey said it would seem proper by this Commission to raise the question of what is in mind for the expansion.

Chair Sakariassen said it would be the opinion of this Commission to communicate to the owner that the intended changes need to be shared.

**MOTION:** A motion was made by Commissioner Dinkins to agree to signing the Section 106 review declaration as presented and as recommended by staff, with the recommendation of No Adverse Effect for Patterson Place (420 East Main Avenue). The motion was seconded by Commissioner Grinnell and with

Commissioners Bailey, Bakken, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

## **SECTION 106 REVIEW PARTICIPATION**

### **B. HANDICAP ACCESSIBLE RAMP (4419 CAMDEN LOOP)**

### **C. HANDICAP ACCESSIBLE RAMP (4525 CAMDEN LOOP)**

Mr. Hutchings said because these proposed projects are for the construction of a ramp to increase accessibility to the homes. He said they were built in 1993 and 1995 and the ramp would be attached to the manufactured homes and funded from Community Development Block Grants (CDBG) administered from the City of Bismarck. Mr. Hutchings said because of the ages of the structures being less than 50 years of age, SHPO is anticipated to issue a determination of No Historic Properties Affected.

Mr. Hutchings said based on this information, staff recommends reviewing the submitted documentation for Section 106 review of the proposed installation of a handicap accessible ramp for the manufactured home at 4419 Camden Loop and 4525 Camden Loop and complete the attached declaration of findings for the State Historic Preservation Office.

Commissioner Dinkins asked if this needs a Section 106 review because of the CDBG. Mr. Hutchings said that is correct and added that since CDBG are federal funds so they are subject to Section 106 reviews.

**MOTION:** A motion was made by Commissioner Nodland of No Historic Properties Affected for the Section 106 reviews for 4419 Camden Loop and 4525 Camden Loop. The motion was seconded by Commissioner Dinkins and with Commissioners Bailey, Bakken, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

## **SECTION 106 REVIEW PARTICIPATION**

### **D. MODIFICATOIN TO TELECOMMUNICATION FACILITY (600 EAST BOULEVARD AVENUE)**

Mr. Hutchings said the City of Bismarck has been notified by Advantage Environmental Consultants, LLC and the Federal Communications Commission of Motorola Solutions, Pyramid Network Services, LLC and the State of North Dakota of proposed modification to an existing rooftop tower telecommunication facility attached to the top of the North Dakota State Capitol Building. He added that the proposed installation will consist of three new 17.4-foot tall antennas with new mounts and will have an overall height of 259.4 feet and this installation is part of a 911 Emergency Services Network upgrade, which will enhance public safety communications in the state. He said no ground disturbance is proposed for this project and all additional proposed equipment for the antennas will be located within an existing equipment room on the 19<sup>th</sup> floor. Mr. Hutchings stated the North Dakota State Capitol is listed as “Eligible” for listing on the National Register of Historic Places.



Mr. Hutchings said staff recommends reviewing the submitted documentation for Section 106 review of the proposed rehabilitation project of the Patterson Place located at 420 East Main Avenue and complete the attached declaration of findings for the State Historic Preservation Office.

Chair Sakariassen said this is an eligible property, but the tower would not be visible from the ground.

Commissioner Nodland said she appreciates the consultant's recommendation.

**MOTION:** A motion was made by Commissioner Nodland to agree with Advantage Environmental Consultants, LLC on their recommendation of No Adverse Effect for the Section 106 review for 600 East Boulevard Avenue). The motion was seconded by Commissioner Bailey and with Commissioners Bailey, Bakken, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

### **HISTORIC PERSERVATION FUND GRANT AWARD AND HIGHLAND ACRES SURVEY PROJECT**

Mr. Hutchings said \$40,800 was awarded to the City of Bismarck for historical surveys of Highland Acres, as well as staff attendance at a national historic preservation conference training. He said the funds will also cover the cost for the Bismarck Historic Preservation Commission's enrollment in the National Alliance of Historic Preservation Commissions. He said \$38,000 of the funds will go to the Highland Acres survey project for hiring a consulting firm and that the Request for Proposals (RFP) will be published if it is approved today. Mr. Hutchings then said it is assumed a consultant would be selected on June 17<sup>th</sup> via a ranking system and the Historic Preservation Commission and upon City Commission approval of a contract neighborhood notifications will be sent out.

Commissioner Nodland asked how they can make recommendations for clarification and changes to the proposed RFP.

Mr. Hutchings said the changes can be included with the motion.

Commissioner Nodland asked if the RFP should have requirements for meeting the criteria of either a historian or an architectural historian or both.

Ms. Meidinger said for this project they should have both qualifications.

Commissioner Nodland said there is a line that indicates the potential for adjacent properties to be surveyed. Mr. Hutchings said that line will be removed at this time. Commissioner Nodland asked if the word 'written' needs to be added to the third bullet relating to the evaluation.

Chair Sakariassen said that is generally what a consultant would do anyways but it is not out of order to ask for it specifically.

Commissioner Nodland said both digital and paper formats to be provided should be added and asked if the submittals need to be on archival paper and asked if there is a GIS component because of the shape files need to be submitted.

Ms. Meidinger said she understood the GIS portion to be part of the SHPO requirements and they do get submittals on archival paper so these should be submitted the same way.

Commissioner Nodland asked if there is a need for a statement of the end product belonging to the City of Bismarck.

Ms. Combs said that would only be enforceable by a contract so that requirement would be in the draft contract reviewed by Finance, Administration and the Attorney's Departments.

Commissioner Bailey asked if the population of Bismarck is correct as stated in the Community Profile.

Mr. Hutchings said it is not and he will correct it.

Commissioner Bailey asked if the forms should indicate if it is a site form versus a site survey.

Commissioner Dinkins asked how the RFP would be advertised. Mr. Hutchings said it will be advertised in the Bismarck Tribune once a week for two weeks and on the RFP bid page on the City of Bismarck web site. He said SHPO will also be providing a list of consultants to share the RFP with.

**MOTION:** A motion was made by Commissioner Jackson to recommend approval of the draft Request for Proposals for a consultant to conduct an historical survey of Highland Acres under the Cultural Heritage Grant program, with the suggested changes. The motion was seconded by Commissioner Bailey and with Commissioners Bailey, Bakken, Dinkins, Grinnell, Jackson, Nodland and Sakariassen voting in favor of the motion, the motion was approved.

## **DISCUSSION ON SECTION 106 REVIEW PARTICIPATION**

Mr. Hutchings said the City of Fargo does not return a Section 106 review unless it is for a larger project and the City of Grand Forks does some of them but have lessened the requirements of needing to give a recommendation. He said he would like this Historic Preservation Commission to decide if they would like to either see all of them, none of them or only give a recommendation if certain criteria are met.

Commissioner Dinkins said as with the two handicap accessible ramps reviewed today, because of the funding source they required a review and asked if there is a way to filter the requests or decide at the meeting which ones they want to review.

Chair Sakariassen said those examples given did not meet the age requirement so they could establish guidelines regarding age and visibility.

Commissioner Dinkins said some owners might not understand why the extra step of a Section 106 review is required. He said he was surprised by the request to review the modifications to the telecommunication tower at the Capital building.

Commissioner Bailey said he does not feel it has been a burdensome amount to review and the Section 106 reviews are probably the most important job of this Commission. He said he thinks the process should be left how it is.

Commissioner Jackson said he agrees with Commissioner Bailey in that they have not been flooded with requests and thinks it is important to keep doing them and discuss a screening process if they start seeing a lot of unnecessary requests for review.

Mr. Hutchings said the documentation provided varies also so if there are any suggestions on that topic he will take them.

Commissioner Bakken said they can always get more information from City staff as needed and he thinks they should continue as they have been doing.

Commissioner Nodland said she agrees and thinks it is important to know and see any previous Section 106 reviews and recommendations.

Mr. Hutchings said he will add that information to the agenda packet memos going forward.

## **OTHER BUSINESS**

## **PUBLIC INPUT/COMMENTS**

There was no public input provided at this time.

## **OTHER BUSINESS**

Mr. Hutchings said the National Parks Service gave accolades and acknowledged the City of Bismarck in a recent Twitter statement.

## **ADJOURNMENT**

There being no further business, Chair Sakariassen declared the meeting of the Bismarck Historic Preservation Commission adjourned at 4:58 p.m. to meet again on June 17, 2020.

Respectfully Submitted,

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Hilary Balzum  
Recording Secretary

APPROVED:

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Amy Sakariassen, Chair